

ESTTA Tracking number: **ESTTA579177**Filing date: **12/29/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Humanly Possible, Inc.		
Entity	Corporation	Citizenship	Illinois
Address	324 North Marion Street Oak Park, IL 60302 UNITED STATES		

Correspondence information	Joshua Klayman Secretary-Treasurer Humanly Possible, Inc. 324 North Marion Street Oak Park, IL 60302 UNITED STATES Josh@HumanlyPossible.com Phone:708 848 0514
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Applicant Information

Application No	86013288	Publication date	12/03/2013
Opposition Filing Date	12/29/2013	Opposition Period Ends	01/02/2014
Applicant	WEBOLUTIONARIES LLC 2107 21ST AVENUE SAN FRANCISCO, CA 94116 CANADA		

Goods/Services Affected by Opposition

Class 035. First Use: 2013/07/01 First Use In Commerce: 2013/07/01 All goods and services in the class are opposed, namely: Business advisory services, consultancyand information
Class 041. First Use: 2013/07/01 First Use In Commerce: 2013/07/01 All goods and services in the class are opposed, namely: Business training in the field of LEADERSHIP DEVELOPMENT


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2477681	Application Date	03/31/2000
Registration Date	08/14/2001	Foreign Priority Date	NONE
Word Mark	HUMANLY POSSIBLE		

Design Mark	HUMANLY POSSIBLE
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1999/08/15 First Use In Commerce: 2000/01/14 Business management consultation

U.S. Registration No.	4445857	Application Date	06/07/2011
Registration Date	12/10/2013	Foreign Priority Date	NONE
Word Mark	THE EXTRAORDINARY IS HUMANLY POSSIBLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2011/06/06 First Use In Commerce: 2011/06/06 Business management consultation		

Attachments	76014185#TMSN.gif(bytes) 85339610#TMSN.jpeg(bytes) Humanly Trademark Opposition Filing.pdf(71881 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Joshua Klayman/
Name	Joshua Klayman
Date	12/29/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

APPLICANT: Webolutionaries LLC
DBA Humanly Limited Liability Company California
2107 21st Avenue, San Francisco, California 94116

APPLICATION SERIAL NO.: 86013288

FILING DATE: July 17, 2013

MARK: HUMANLY

Published in Official Gazette: December 3, 2013

HUMANLY POSSIBLE, INC., Opposers

v.

WEBOLUTIONARIES LLC, Applicant

NOTICE OF OPPOSITION

Opposers Humanly Possible, Inc. believe that they will be damaged by Applicant Webolutionaries LLC's registration of the HUMANLY mark shown in Application 86013288. As grounds for this opposition, Humanly Possible, Inc. alleges the following upon actual knowledge with respect to itself and its own acts and upon information and belief in other respects.

1. Opposer Humanly Possible, Inc. is an Illinois corporation with principal place of business at 324 North Marion Street, Oak Park, Illinois 60302. Humanly Possible, Inc. has been doing business under that name since 1999, and is the registered holder of the service mark HUMANLY POSSIBLE, registration number 2477681, International Class 035, U.S. classes 100, 101, and 102 for use in connection with business management consultation. The mark was registered in 2001, and renewed in 2010. In 2006 a Section 15 declaration of incontestability was accepted for this mark.

2. Humanly Possible, Inc. also owns the registered mark *The Extraordinary is Humanly Possible*, registration number 4445857, registered on December 10, 2013.

3. Since its incorporation in late 1999, Humanly Possible has founded its core brand identity on the HUMANLY POSSIBLE Mark and name and has continued to build upon its core identity and goodwill throughout more than a decade of use. Humanly Possible, Inc. has continuously used its mark HUMANLY POSSIBLE in electronic and paper communications, radio and on-line advertising, and on its website, HumanlyPossible.com, which is the primary means, other than word of mouth, by which potential customers find and learn about Humanly Possible, Inc. Humanly Possible, Inc. also uses the HUMANLY POSSIBLE mark to identify intellectual property including presentations, instructional materials, and proprietary methods used in leadership development and other management consulting. Humanly Possible, Inc. has been using its mark *The Extraordinary is Humanly Possible* since June, 2011 as its major slogan, appearing on electronic and paper communications and on every page of the Humanly Possible website.

4. Applicant has sought registration of the mark HUMANLY in the same International Class 035, U.S. Classes 100, 101, and 102, also for use in connection with business advisory services, consultancy and information. Applicant has also sought registration in the closely-related Class 041, U.S. classes 100, 101, and 107, for business training in the field of leadership development.

5. If applicant were granted trademark rights to the HUMANLY mark, there would be a substantial risk of confusion with the HUMANLY POSSIBLE mark currently registered to Humanly Possible, Inc. This confusion would jeopardize the continued conduct and growth of Humanly Possible, Inc. in its domain of business, which is business management consulting, and would greatly diminish the value and distinctiveness of the HUMANLY POSSIBLE mark and the ability of Humanly Possible, Inc. to identify and promote its services using its mark.

6. The likelihood of confusion between the applicant's would-be mark and the registered mark, HUMANLY POSSIBLE, is heightened by the fact that the first element of the mark, *humanly*, is very strongly associated with the second element, *possible*. For example, nearly every on-line dictionary includes the phrase *humanly possible* within its listing for the word *humanly*, often as the only illustrative use of the word (e.g. Cambridge Online Dictionary) and in some cases showing *only* the phrase *humanly possible* in response to searches for the word *humanly* (e.g., MacmillanDictionary.com). Accordingly, to grant Applicant's request for the would-be mark HUMANLY would interfere with the distinctiveness of the registered mark HUMANLY POSSIBLE, and would be highly confusable with it when used in conjunction with similar classes of business.

7. Leadership development is the main domain of consultancy for Humanly Possible, Inc., and many clients seek a combination of advisory and training services. The terms "management education" and "executive education" have been prominently featured on the Humanly Possible website, as shown in the specimens submitted to the USPTO in conjunction with the registration and renewals of the HUMANLY POSSIBLE mark. Humanly Possible has, throughout its existence, offered training in leadership development as part of its package of services to corporate clients. Examples include Leading Change and Innovation (annually since 2001), Managerial Decision Making (2000, 2011, 2013), Strategic Leadership (annually since 2007), Organizational Leadership (annually since 2011) and Dynamic Leadership (annually since 2011). Therefore, the likelihood of confusion exists not only if the Applicant's would-be mark were registered in Class 035, but also if registered in Class 041. In practice, the separation between business advisory services, consultancy and information in Class 035 and business training in Class 041 is indistinct for clients, as it is indeed for providers of those services. Consultancy and training are often bundled.

8. Wherefore, Humanly Possible, Inc. believes that it will be damaged by the registration of the mark shown in Application 86013288, and requests that the opposition be sustained and that the registration to Applicant in Class 035 and in Class 041 be refused.

Dated 12/29/2013.

Respectfully submitted,

/s/ Joshua Klayman

Joshua Klayman, Secretary-Treasurer
Humanly Possible, Inc.
324 North Marion Street
Oak Park, IL 60302